

AMENDED IN ASSEMBLY AUGUST 6, 1997

AMENDED IN SENATE MAY 20, 1997

AMENDED IN SENATE MAY 8, 1997

SENATE BILL

No. 1086

Introduced by Senator Schiff

February 28, 1997

An act to amend Section 21701 of, and to add Section 21701.1 to, the Business and Professions Code, relating to business regulation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1086, as amended, Schiff. ~~Self-storage~~ *Self-service storage* facilities: containers.

The California Self-Service Storage Facility Act defines self-service storage facilities and regulates rental agreements and the imposition of liens on personal property located at a self-service storage facility.

This bill would revise the definition of self-service storage facility. The bill would also provide that the owner or operator of a self-service storage facility or a household goods carrier may transport and store individual storage containers, as defined, subject to certain restrictions.

The bill would make a statement of legislative intent.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 21701 of the Business and Professions Code is amended to read:

21701. For the purposes of this chapter, the following terms shall have the following meanings:

(a) “Self-service storage facility” means real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to the space for the purpose of storing and removing personal property or for storing individual storage containers provided to occupants who have exclusive use of the container for the purpose of storing and removing personal property, *whether or not the individual storage containers are transported pursuant to Section 21701.1*. Self-service storage facility does not include a garage or other storage area in a private residence. No occupant may use a self-service storage facility for residential purposes. A self-service storage facility is not a warehouse, nor a public utility, as defined in Section 216 of the Public Utilities Code. If an owner issues a warehouse receipt, bill of lading, or other document of title for the personal property stored, the owner and the occupant are subject to the provisions of Division 7 (commencing with Section 7101) of the Commercial Code, and the provisions of this chapter do not apply.

(b) “Owner” means the owner, operator, lessor, or sublessor of a self-service storage facility, his or her agent, or any other person authorized by him or her to manage the facility, or to receive rent from an occupant under a rental agreement, and no real estate license is required.

(c) “Occupant” means a person, or his or her sublessee, successor, or assign, who is entitled to the use of the storage space at a self-service storage facility under a rental agreement, to the exclusion of others.

(d) “Rental agreement” means any written agreement or lease which establishes or modifies the terms, conditions, rules, or any other provision

1 concerning the use and occupancy of a self-service
2 storage facility.

3 (e) “Personal property” means movable property not
4 affixed to land, and includes, but is not limited to, goods,
5 merchandise, furniture, and household items.

6 (f) “Last known address” means that address provided
7 by the occupant in the latest rental agreement, or the
8 address provided by the occupant in a subsequent written
9 notice of a change of address.

10 SEC. 2. Section 21701.1 is added to the Business and
11 Professions Code, to read:

12 21701.1. (a) The owner or operator of a self-service
13 storage facility, or a household goods carrier, may, for a
14 fee, transport individual storage containers to and from
15 a self-service storage facility that he or she owns or
16 operates. This transportation activity whether performed
17 by an owner, operator, or carrier, *shall not be deemed*
18 *transportation for compensation or hire as a business of*
19 *used household goods and* is not subject to regulation
20 under Chapter 7 (commencing with Section 5101) of
21 Division 2 of the Public Utilities Code, provided all of the
22 following requirements are met:

23 (1) The fee charged—~~for transportation~~ (A) *to deliver*
24 *an empty individual storage container to a customer and*
25 *to transport the loaded container to a self-service storage*
26 *facility, or (B) to return a loaded individual storage*
27 *container from a self-service storage facility to the*
28 *customer* does not exceed fifty dollars (\$50).

29 (2) The owner, operator, or carrier, or any affiliate of
30 the owner, operator, or carrier, does not load, pack, or
31 otherwise handle the contents of the container.

32 ~~(3) The owner, operator, or carrier, if not the holder~~
33 ~~of a permit under Chapter 7 (commencing with Section~~
34 ~~5101) of Division 2 of the Public Utilities Code~~
35 ~~authorizing the owner, operator, or carrier to operate as~~
36 ~~a household goods carrier, is registered under Chapter 2~~

37 (3) *The owner, operator, or carrier is registered under*
38 *Chapter 2* (commencing with Section 34620) of Division
39 14.85 of the Vehicle Code.

(4) The owner, operator, or carrier has procured and maintained cargo insurance in the amount of at least twenty thousand dollars (\$20,000) *per shipment*.

(b) For purposes of this ~~section~~ chapter, “individual storage container” means a container that meets all of the following requirements:

(1) It ~~may~~ *shall* be fully enclosed and locked.

(2) It contains not less than 100 and not more than ~~1,000~~ *1,100* cubic feet.

(3) It is constructed out of a durable material appropriate for repeated use. A box constructed out of cardboard or a similar material shall not constitute an individual storage container for purposes of this section.

(c) *Nothing in this section shall be construed to limit the authority of the Public Utilities Commission to investigate and commence an appropriate enforcement action pursuant to Chapter 7 (commencing with Section 5101) of Division 2 of the Public Utilities Code against any person transporting household goods in individual storage containers in a manner other than that described in subdivision (a).*

SEC. 3. The amendment to Section 21701 of the Business and Professions Code contained in Section 1 of this act is intended to extend the coverage of the California Self-Service Storage Facility Act to real property designed to store individual storage containers. In making this change, it is not the intent of the Legislature to modify the landlord-tenant relationship that exists under current law between self-service storage facility owners and occupants. An owner of a self-service storage facility when renting or leasing individual storage spaces to occupants, who are to have access to the space for the purpose of storing or removing personal property, is a commercial landlord and does not have care, custody, or control of the occupants’ stored personal property. Further, by adding Section 21701.1 to the Business and Professions Code, which describes the transportation activities that may be provided without a household goods carrier permit, the Legislature does not intend to limit the ability of an owner or operator of a self-service

- 1 *storage facility to otherwise transport household goods*
- 2 *under the authority of a household goods carrier permit.*

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